



1652
PATENT
Attorney Docket 040750-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ivan Gout et al.**

Application No. **09/762,258**

Filed: **May 29, 2001**

For: **Identification and functional characterization of
a novel ribosomal S6 protein kinase**

Group Art Unit: **1652**

Examiner: **Delia M. Ramirez**

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AMENDMENT TRANSMITTAL FORM

- Transmitted herewith is a Response and Amendment Under 37 C.F.R. 1.111 responding to the Office Action dated December 18, 2002 (Paper No. 9).
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. If Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. 1.16):

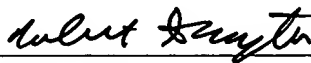
CLAIMS AS AMENDED						
	Claims Remaining		Previously Paid	Extra	at Rate of	Total Fees
Total Claims	84	minus	59	25	at \$18 each =	450.00
Independent Claims	3	minus	19	0	at \$84 each =	00.00
First presentation of Multiple dependent claim					\$280.00	00.00
SUB-TOTAL =						450.00
Reduction by 1/2 for filing by a small entity						- 225.00
TOTAL FEES =						\$225.00

- Fee Payment: The Commissioner is hereby authorized to charge **\$225.00** to Deposit Account No. 50-0310 for payment of the additional total claims fee.
- Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **March 18, 2003**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801

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JD



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RESPONSE AND AMENDMENT UNDER 37 C.F.R. 1.111

In response to the Office Action dated December 18, 2002 (Paper No. 9), the period for response to which extends to March 18, 2003, please amend the above-referenced application as follows:

In the Claims:

Please cancel claims 1-55 without prejudice or disclaimer.

Please add claims 56-78 as follows.

--56. An isolated nucleic acid molecule selected from the group consisting of:

(a) an isolated nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO: 1 or the complement thereof;

(b) an isolated nucleic acid molecule having at least about 85% nucleotide sequence identity with the entire contiguous open reading frame of SEQ ID NO: 1; and

(c) an isolated nucleic acid molecule which encodes a protein comprising the amino acid sequence of SEQ ID NO: 2.

57. An isolated nucleic acid molecule which encodes a protein comprising the amino acid sequence of SEQ ID NO: 2, wherein the protein contains one or more conservative amino acid substitutions and retains the same activity as a protein comprising SEQ ID NO: 2.

58. An isolated nucleic acid molecule which encodes a fragment of a protein comprising the amino acid sequence of SEQ ID NO: 2 wherein the fragment retains the same activity as a protein comprising the amino acid sequence of SEQ ID NO: 2.

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